

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

V.

TROY WILLIAMS

§
§
§
§
§

CRIMINAL NO. 6:00-CR-50-001

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On January 3, 2007, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Troy Williams. The government was represented by Jim Middleton, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by court-appointed counsel, Wayne Dickey.

Defendant originally pleaded guilty to the offense of Felon in Possession of a Firearm, a Class C felony. The offense carried a statutory maximum imprisonment term of 10 years. The United States Sentencing Guideline range, based on a total offense level of 19 and a criminal history category of VI, was 63 to 78 months. On April 4, 2001, U.S. District T. John Ward sentenced Defendant to 63 months imprisonment followed by a term of two years supervised release, subject to the standard conditions of release, plus special conditions to include drug testing and treatment and financial disclosure. On February 28, 2006, Defendant completed the term of imprisonment and began the term of supervised release.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from: committing another federal, state or local crime, and from unlawfully using a controlled substance. In its petition, the government alleges that Defendant violated his term of supervised release by his October 9, 2006 conviction of the offense of Manufacture Delivery of a Controlled Substance > 4

grams and < 200 grams in Case No. 114-1834-06 in the 114th District Court, Smith County, Texas.

If the Court finds by a preponderance of the evidence that Defendant committed this violation, a statutory sentence of no more than two years of imprisonment may be imposed. 18 U.S.C. § 3583(e)(3). Pursuant to Section 7B1.1(a) of the Sentencing Guidelines, violating a condition of supervision by committing the state offense of Manufacture Delivery of a Controlled Substance greater than 4 grams and less than 200 grams would constitute a Grade A violation, for which the Court shall revoke Defendant's term of supervised release in favor of a term of imprisonment. U.S.S.G. § 7B3.1(a)(1). Considering Defendant's criminal history category of VI, the Guideline imprisonment range for a Class C felony is two years; therefore, the guideline imprisonment range is 24 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to violating a condition of supervision. In exchange, the government agreed to recommend that Defendant serve 12 months and one day in prison, consecutive to his sentence in Case No. 114-1834-06 in the 114th District Court, Smith County, Texas, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court RECOMMENDS that Defendant, Troy Williams, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and one day, consecutive to his sentence in Case No. 114-1834-06 in the 114th District Court, Smith County, Texas, with no supervised release to follow. The parties have waived their right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Ward for adoption immediately upon issuance.

So ORDERED and SIGNED this 9th day of January, 2007.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE